

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ASHLEY WILSON, Individually and on behalf of
all others similarly situated,

Plaintiff,

v.

PELOTON INTERACTIVE, INC., JOHN FOLEY,
and JILL WOODWORTH,

Defendants.

Case No. 1:21-cv-02369-CBA-PK

CLASS ACTION

**STIPULATION AND [PROPOSED] ORDER REGARDING SCHEDULE FOR LEAD
PLAINTIFF TO FILE AN AMENDED COMPLAINT
AND DEFENDANTS' RESPONSE THERETO**

Lead Plaintiff Richard Neswick ("Lead Plaintiff") and Defendants Peloton Interactive, Inc. ("Peloton"), John Foley, and Jill Woodworth ("Defendants" and collectively with Lead Plaintiff, the "Parties"), hereby agree and stipulate to the following schedule for the filing of Lead Plaintiff's Amended Complaint ("AC") and Defendants' response thereto.

WHEREAS, on April 29, 2021, plaintiff Ashley Wilson filed a complaint in this District against Defendants for violations of the Securities Exchange Act of 1934. An Amended Complaint was filed by plaintiff Wilson on May 6, 2021 ("*Wilson* Action"). Another action arising under the Exchange Act, brought by Plaintiff Leigh Drori, was filed in this District on May 24, 2021 (the "*Drori* Action" and collectively, "the Actions").

WHEREAS, the Actions are subject to the consolidation and lead plaintiff procedures of the Private Securities Litigation Reform Act of 1995 ("the PSLRA"), 15 U.S.C. § 78u-4;

WHEREAS, on June 11, 2021, plaintiff Ashley Wilson and Defendants stipulated in the *Wilson* Action pursuant to a Stipulation and Proposed Order Regarding Acceptance of Service,

Time to Respond to Complaint and Adjournment of Initial Conference (“*Wilson* Stipulation”), among other things, that within fourteen (14) days after entry of an order appointing a Lead Plaintiff and Lead Counsel in the action, the Lead Plaintiff and Defendants shall meet and confer and propose a schedule to the Court for the filing of an amended complaint, or designation of an operative complaint, and the response thereto (Dkt. No. 98), which Stipulation was so ordered by the Court on June 14, 2021 (Dkt. No. 103);

WHEREAS, on July 19, 2021, plaintiff Leigh Drori and Defendants stipulated in the *Drori* Action pursuant to a Stipulation and Proposed Order Regarding Acceptance of Service and Time to Respond to Complaint (“*Drori* Stipulation”) that among other things provided that within fourteen (14) days after entry of an order appointing a Lead Plaintiff and Lead Counsel in the action, the Lead Plaintiff and Defendants shall meet and confer and propose a schedule to the Court for the filing of an amended complaint, or designation of an operative complaint, and the response thereto (Dkt. No. 17), which Stipulation was granted by the Court by Electronic Order on July 20, 2021;

WHEREAS, on October 26, 2021, pursuant to the Order Referring Motions to the Honorable Peggy Kuo on June 29, 2021, Magistrate Judge Kuo issued a Report and Recommendation (“R&R”) in the *Wilson* Action recommending that the *Wilson* Action and the *Drori* Action be consolidated, that movant Richard Neswick be appointed Lead Plaintiff, and that Faruqi & Faruqi, LLP be appointed Lead Counsel (Dkt. No. 37), and on October 26, 2021, the R&R was entered in the *Drori* Action (Dkt. No. 19), and any objections to the R&R had to be filed within fourteen (14) days:

WHEREAS, on November 16, 2021, after no objections had been filed to the R&R, the Honorable Judge Carol Bagley Amon entered an Order Adopting Report and Recommendation

and consolidated the *Wilson* and *Drori* Actions, appointed Richard Neswick as Lead Plaintiff, and approved Faruqi & Faruqi, LLP as Lead Counsel;

WHEREAS, on November 18, 2021, the Order Adopting Report and Recommendation was entered in the *Drori* Action, the *Drori* Action was consolidated with the *Wilson* Action and the *Drori* Action was terminated;

WHEREAS, on November 18, 2021, a putative class action complaint for violation of federal securities laws was filed by the City of Hialeah Employees' Retirement System against Defendants and William Lynch in the United States District Court for the Southern District of New York ("SDNY"), captioned *City of Hialeah Employees' Retirement System v. Peloton Interactive, Inc., et al.*, Case No. 1:21-cv-09582 (the "SDNY Action");

WHEREAS, Defendants contend that there are grounds to transfer the Actions to SDNY and to consolidate them with the SDNY Action and intend to move to transfer the Actions to SDNY in order to then consolidate the Actions with the SDNY Action;

WHEREAS, Lead Plaintiff disputes that there is any basis to transfer and consolidate the Actions with the SDNY Action and will oppose such a motion to transfer and consolidate if such a motion is filed;

WHEREAS, pursuant to the *Wilson* Stipulation and the *Drori* Stipulation, the Parties have met and conferred on Defendants' motion to transfer, the schedule for the AC and Defendants' response thereto; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties hereto through their undersigned counsel, subject to approval of the Court, as follows:

1. Lead Plaintiff shall file the AC within sixty (60) days of the entry of the Court's order granting this Stipulation and Proposed Order;

2. Defendants shall answer or otherwise respond to the AC within sixty (60) days of service of the AC;

3. If Defendants move to dismiss the AC, Lead Plaintiff's response to Defendants' motion(s) shall be filed within forty-five (45) days, and Defendants' reply shall be filed within thirty (30) days thereafter; and

4. Defendants shall file any letter seeking a pre-motion conference with the Court on their motion to transfer within fourteen (14) days of the entry of the Court's order granting this Stipulation and Proposed Order.

IT IS SO STIPULATED.

Dated: November 30, 2021

FARUQI & FARUQI, LLP

By: /s/ James M. Wilson, Jr.
James M. Wilson, Jr.

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*Counsel for Defendants Peloton Interactive, Inc.,
John Foley, and Jill Woodworth*

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: _____, 2021

THE HONORABLE CAROL BAGLEY AMON
UNITED STATES DISTRICT COURT JUDGE